

## A “Pedagogy of Freedom” for Forensics Moving from Convention to Theory

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### Introduction

Even a brief survey of academic journals and communication convention programs will reveal that ethics is a major concern among forensics professionals. The 2008 National Developmental Conference in Individual Events is no exception. A panel has been convened to present papers, discuss implications, and suggest policy action regarding ethical procedures in competitive intercollegiate forensics. While much past discussion and action has occurred on the subject of rules violations—ethical issues which enjoy essentially consensual agreement in the discipline—there is also a substantial concern over normative standards. These normative standards, which I refer to as “conventions,” largely govern what actually occurs during individual events competitions. While national forensics organizations have taken some actions to restrain judges from relying on convention to the detriment of adherence to event rules, and literature decries the constraint upon creativity resulting from this reliance, the fact remains that convention continues to create “unwritten rules.” In this paper, I contend that there is an ethical imperative for coaches and judges to take further action to overcome the negative effects of these conventions. Applying the educational philosophy of Paulo Freire, which he calls a “pedagogy of freedom,” (Freire, 1998), I contend that to allow convention to dominate is to dehumanize forensics activities, resulting in an anti-educational “factory” product which fails the student. Finally, I will suggest proactive methods of using forensics pedagogy to further current actions in response to rules violations and to prevent convention from usurping the educational values of the activity.

### Ethical Challenges in Contemporary Forensics

Ethical violations of some of the most fundamental rules of individual events activity reached a high point on each side of the turn of the 21<sup>st</sup> century. Disqualification of national champions in 1998, two for enrollment/eligibility violations and one for plagiarism, were cited as evidence that competitive desires had superseded the educational values of forensics (Burnett, Brand, & Meister, 2001, p. 106). An empirical study of a national informative speaking final round discovered that every speaker in the “best of the best” collection committed serious ethical violations in citation and use of evidence sources,

ranging from apparently nonexistent sources to distortion and plagiarism (Cronn-Mills & Schnoor, 2003). The authors noted the unlikelihood that these six contestants represented all of the ethical violations present in the forensics activities (p. 47). This supposition is probably correct; discussion of evidence usage codes and the problems of identifying distortion in the use of supporting material were summarized in scholarly literature twenty years before the study referred to above (Friedley, 1983). Thomas and Hart (1983, p. 78), cite a growing trend that is now relatively uncontroversial in communication—that rhetoric is a symbolic interaction that “generate[s] knowledge and social understanding.” The authors apply this epistemic function to the rhetoric involved in forensics, and argue that it creates an ethical imperative that must move beyond mere rule-based reactions to specific behaviors.

The problem of normative conventions in individual event activities is both more pervasive and more complicated than the violation of consensual rules governing eligibility and academic dishonesty. Gaer (2002, p. 54) suggests that competition, by its nature, encourages the development of “formulas” as “ways of winning.” Paine (2005, pm 80), cites almost a dozen journal articles and “innumerable convention programs” devoted to the normative rules of individual events, and contends that the years of development “leaves many of the unwritten rules virtually unmodified for long periods of time.” I have sat on convention programs that review the same issues journal scholars list: a “magic number” of source citations that must be reached in extemporaneous speaking and memorized speeches, the “two by two” format for impromptu, no third person prose, no material used that has ever been used before in the history of the universe (exaggeration only slight), and so on. All the authors cited in this paragraph, and I concur, decry the stifled creativity and limited education that results from the reliance on convention. In my experience, confirmed by discussions with coaches of other programs not part of the “national circuit,” there are other distressing effects of the unwritten rules. It is difficult to explain the educational benefits of oral interpretation to a first-year student who reads a ballot telling them that a national award-winning author is not of “literary merit” solely because the judge heard someone perform that material three years ago—before the student had even began college. How do we explain to

students that Shakespeare is not worthy of performance in our activity? Worse, how do we explain this to other faculty and administrators? I recall a very active national program that almost ceased to exist because they performed for their administration's honors banquet a very racy selection that made elimination rounds at the AFA-NIET, but was of questionable literary worth to those who funded them. While this may be put to poor judgment as to what to perform for the home crowd, what were they to do when asked to perform the material that was acceptable for the NIET?

I have also encountered discouraging double standards due to convention. Over the past several years, I have seen instances of students from my regional programs admonished by judges in our brief forays onto the national circuit for using a speech topic that was used by "so-and-so" form "such-and-such" national program in the finals of NFA last year." We later discovered that while the topic indeed was in the finals, it was a speech written solely for that tournament and taking a much different direction than my student's speech. Since our program was unable to afford the week-long stay at NFA the previous year, we really had little chance to discover the topic had been used. Nonetheless, I suspect there would be a strong reaction if I were to write a ballot to a student from a major national program informing them that I was docking points because a student from a seldom-traveling small college in my region had used the topic last year. I can recount an instance at our district tournament a few years ago where a coach-judge, paneled with a guest layperson, took one of my students to task for her drama selection—in fact, accusing her of falsifying her source. He was unaware that author Terry Galloway's *Heart of a Dog* had been published in at least two different sources. Even when my student pulled her purchased book containing the original source, the judge carried on in front of the layperson, who then ranked the student low because "something appeared to be fishy about the source." The sole rationale for the coach-judge's actions was that he had been coaching a student from one of the district's national programs on the same material from a different source. The point is that he could not believe that a student from one of the district's "lesser" programs would dare to perform the piece, although she had been performing it all year while the national program student had not started it until January. Of course, this person's coaching a student from a school that did not employ him is perhaps an issue in itself, but many would say I should simply tell my student to "learn from the experience." But what is learned from the experience when a senior is robbed of her chance to take the piece to nationals? And is this the type of learning we proudly proclaim when asked by our superiors to list the educational values of forensics. Other examples abound; I've had to ex-

plain to superiors the overwhelming number of mass market secondary source citations used in platform events. And most of us have had contact with incredulous colleagues in theater departments who cannot understand the concept of "competitive" oral interpretation.

Even if one wishes to assert that the double standards could be successfully dealt with if coaches of non-national programs would just "get with it," that only returns us to the most fundamental problem with convention—the diminishment of creative educational value. The very concept of conventional norms suggests a stifling uniformity and constraint upon the freedom necessary for education to flourish. Instead, I will argue that forensics should adopt a "pedagogy of freedom" patterned upon the educational philosophy given that name by Paulo Freire. Such a philosophy will support proactive educational measures which can enhance the effectiveness of consensual rules governing competition, and move us beyond convention to educational growth in forensic activities.

### Paulo Freire's "Pedagogy of Freedom"

When Freire advocates "pedagogy of freedom," he means that we must seek freedom from the factory processing theory of schooling that pervades higher education today. For Freire, we must avoid looking at education as a "subject" (teacher) merely transferring knowledge to an "object" (student); instead, we must understand that "to teach is not to transfer knowledge but to create the possibilities for the production or construction of knowledge" (Freire, 1998, p. 30). Properly done, teaching increases critical reflection in both the student and the teacher, resulting in "epistemological curiosity." The result is that we eschew the "banking system" model of education, where instructors merely deposit knowledge into the student account (Freire, 1998, p. 32). It is important to understand that Freire is not advocating an "anything goes" approach to education. He demands "intellectual rigor" in the process of constructing and reconstructing knowledge as a joint enterprise between teacher and learner. Through critical thinking, creativity, healthy skepticism, and linking research to teaching and learning, both teacher and student can escape the banking system (Freire, p. 32-34). The ethical imperative for educators is explained in terms that cannot help but make one think of forensics convention:

... to transform the experience of educating into a matter of simple technique is to impoverish what is fundamentally human in this experience: namely, its capacity to form the human person ... since there can be no "right thinking" disconnected from ethical principles, it is also clear that the demands of "right thinking" require that

the possibility or the right to change be not simply rhetorical. (Freire, p. 39)

The application of Freire's theory to forensics practice is incontestable. If we are to escape from the systematic suppression of creativity and critical difference enforced by convention, we must do so through a communication, a dialogue, between teacher and student. Coaches, and judge-critics in their function as teachers, must be willing to cooperatively investigate student interests and test the boundaries of normative behavior. It is this epistemic function of forensics, as noted by Thomas and Hart earlier in this essay, that gives forensics its greatest potential value. As educators, we must see ourselves as missionaries within our field, urging our colleagues and our guest judge-critics to entertain the possibilities of difference. Most of all, our ethical task is a proactive one: we must be willing to take actions which teach ethics through methodological rigor, resulting in epistemic curiosity. Responding to the ethical problems of evidence rule violations as well as the problems presented by unwritten rules of convention, Perry (2002) places the burden squarely upon coaches and judges to teach students the rules and the ethical principles in the activity. She proposes a concept of "civic virtue" to serve as a guide and motivating influence. I believe Freire would smile upon such a proposal; it is that sort of civic virtue that he was pointing toward as a pedagogy of freedom.

### **Ongoing Challenges for the Future of Forensics**

Where are we, and where do we go from here? In response to the rules violations that came to bear heavily on the activity in the late '90's, the major forensic organizations took a number of actions. Directors of forensics are now required to complete a form signed and stamped by their institution's registrar certifying current enrollment of students entered at nationals. Entrants with memorized public speeches are required to submit referenced copies of their scripts, and oral interpretation students must have original copies of their literature or photocopies complete with copyright pages. Recently rewritten event rules and judge instructions for nationals attempt to point critics toward the purpose of the events, especially encouraging distinctions between prose, poetry, and drama as literary genre, and urging judges to be open to unconventional performances (AFA-NIET Website). But as the literature indicates, students will do what wins. And when ballots demand adherence to convention, students will adhere. Coaches who are expected to produce winning students will transfer the information about convention as subjects to their objects, and norm will supplant theory.

These are not just my personal observations. Billings (2002, p. 32-33) cites the ongoing struggle over convention as one of the assessment challenges for forensics in the 21<sup>st</sup> century. Oral interpretation events, in particular, remain embroiled in controversy. Issues such as programs that distort the author's intent (Billings & Talbert, 2003), and pedagogical disputes about whether we are teaching interpretation or performance (Gernant, 1991) continue to cause anti-educational reactions and reliance on convention. Dean (1990) identifies pedagogy as the specific solution to the problems of convention, and analyzes the lack of even basic instructional materials in individual events to aid in the educational effort.

I believe there are proactive solutions that are consistent with the pedagogy of freedom Freire spoke of and can enhance the educational function of forensics. To avoid the irony of the conventional categories of national, local, and personal solutions, I will mix and match accordingly. Actions already being taken by the national organizations can be furthered. While having students turn in scripts and sources provides some opportunity for enforcement of the rules, it is limited. First, only the national tournament makes the requirement; a student could qualify for nationals with illegal materials, then take time updating with the "real" thing for the NIET or NFA nationals. Second, these measures are punitive, and can occur only if someone raises a protest. Investigation must ensue, embarrassment is certain, and the entire discipline is called into question. We could do more. Wickelgren and Holm (2008, p. 12) raise the possibility of using one of the many available computer sites to detect plagiarism. I can already hear the cry: "National tournament committees have enough on their plate; they can't be scanning scripts for plagiarism!" Of course this is true. But the programs are not that difficult to use. A minor expenditure, perhaps available from the host school, could hire a work-study student at minimum wage to scan the papers during the national tournament. If this doesn't seem feasible, why not require students to submit with their scripts photocopies (including copies of the accurate citation information) of each of the sources used in the speech? We aren't talking about that many more pages of material (it all sits in a room unless challenged anyway), and the costs of copying for the respective programs are minimal (why would the material not have been copied in the first place?). Both proposals have a great advantage over the current system: they are proactive and serve the function of deterrence. Students who know their paper may be scanned, or know they must have copies of the source material, are unlikely to risk falsification, distortion, or plagiarism. We need not do these things only at the national tournament; scanning or script requirements could be a part of any tournament. National bodies could encourage, or

even require, tournaments to do one or the other through a sanctioning process. We must leave behind the era of “well, we don’t want to tell people how to run their tournaments.” The NCAA does not hesitate to tell athletic programs how to run tournaments and sports. Membership in AFA or NFA is voluntary; if we want our tournament to count for qualification “legs,” we will comply with reasonable requests. Most importantly, coaches must take it upon themselves to teach their students about the ethics of evidence use, including distortion and plagiarism. Students often do not know what is right or wrong about use of evidence (Wickelgren & Holm, p. 5); it is our responsibility as co-learners in the discovery process to show them.

Some have proposed changes in the individual events themselves (Kuster, 2002). We could change the rules of some events to avoid convention. For instance, extemporaneous speakers might be limited by rule to the use of no more than five different sources. National tournaments might take the lead by using an event such as Persuasive Speaking to usurp convention; one year, nationals could require that the speech call for action to be taken, another year could require that the speech reinforce a previously held attitude or belief. Impromptu topics could be actual questions (avoiding current events so as not to give undue advantage to extempers), lessening the tendency for the event to become a contest of linking memorized examples to an obscure quotation by whatever means necessary. We might rethink oral interpretation events. Are we teaching oral interpretation? Our event descriptions and judge instructions use the words “performance” and “performer.” Those mean different things to some scholars. Could Program Oral Interpretation become Program Performance? Might we fight convention by limits on the material a student may use, perhaps a selected list of prose or drama? Or could we require that students in poetry use no more than two poems in their program?

National organizations can also lead the way in assuring that judges follow instructions to avoid use of unwritten rules. We could use sanctioning to ask tournament directors to use the AFA judge instructions in regular season tournaments. We could require that judges be “certified” before they could be used at nationals. Other scholars (Mills, 1983; Ross, 1984) have written about the responsibility of directors of forensics to make sure their judges are properly trained, or to use judging seminars to teach judges. We could make a reasonable requirement for training judges and ask directors to apply their judges for certification. We might also steal an idea from intercollegiate debate and ask judges to submit judge philosophy sheets. These need not be compiled into a book. They could be scanned into a computer database accessible to all schools prior to the tournament. Again, this is a proactive idea; judges who

are asked to certify, or to provide a written statement of philosophy that is subject to general review, are going to think more about their judging and will, one hopes, be less likely to write ballots largely based upon convention.

Finally, our national organizations and honoraries can expand their encouragement of academic excellence. AFA-NIET’s “All-American” program is a good start. I know of one district that gave “top script” awards for platform speeches; perhaps we could encourage all districts to do so and send the top scripts (one from each district) to nationals, where a judge panel could review them much as they would judge an event. Given sufficient recognition and publicity, these actions could serve as proactive incentive to encourage academic excellence. Public relations are a major concern; we must avoid the idea that the “real” awards are those given to the event finalists at nationals and the “educational” awards are less important. We should make use of our media contacts to ensure that this does not happen.

In this paper, I have detailed concerns that have arisen in the past decade regarding ethical issues in forensic individual events. While many of these concerns have been based on violations of consensual rules, a far more common problem is the ethical problem of an anti-educational dependence upon conventional norms over sound theory. Paulo Freire’s pedagogy of freedom explains a clear ethical imperative upon coaches and judge-critics to encourage critical and creative learning among our students. This imperative requires us to find ways to overcome the effects of unwritten rules. Not all of the solutions I’ve suggested will be acceptable to everyone. I am sure there are other ideas to add. That is the purpose of this paper—to stimulate a discussion of what we can do. The cause is clear and the call is urgent. It is up to us as forensic professionals to provide the answer.

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